

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KATHERINE JARRELL,

Plaintiff,

v.

Case No. 8:20-cv-534-T-60AEP

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Anthony E. Porcelli, United States Magistrate Judge, entered on October 27, 2020. (Doc. 27). Judge Porcelli recommends that the “Commissioner’s Motion to Dismiss” (Doc. 19) be granted and that “Petitioner’s Motion for Leave to Amend Petition for Writ of Mandamus and Memorandum of Law in Support” (Doc. 25) be denied. Neither party filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428,

1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Porcelli's report and recommendation, in conjunction with an independent examination of the file, the Court adopts the report and recommendation in all respects. The Court agrees with Judge Porcelli's detailed and well-reasoned factual findings and legal conclusions. As such, the motion to dismiss is due to be granted, and the motion for leave to amend is due to be denied.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Porcelli's report and recommendation (Doc. 27) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) The "Commissioner's Motion to Dismiss" (Doc. 19) is hereby **GRANTED**.
- (3) "Petitioner's Motion for Leave to Amend Petition for Writ of Mandamus and Memorandum of Law in Support." (Doc. 25) is hereby **DENIED**.
- (4) The Clerk is **DIRECTED** to terminate any pending motions and deadlines, and thereafter close the case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 4th day of January, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE